

Zoning Board Meeting Minutes from May 6, 2021

In Attendance: Harry Kramer, Joanne Redding, Al Champion, Tom Panzer, George Seymour and Ken Farrell.

1. Open
 - a. Pledge of Allegiance
 - i. Lead by Joanne Redding
2. Statement of Rules and Procedures
 - a. Waived
3. Approval of last month's minutes
 - a. Motion to Approve
 - i. Harry Kramer
 - b. Second Motion to Approve
 - i. George Seymour
 - c. Vote to approve last month's minutes
 - i. 4/4 aye
4. Continued hearing for Kawalijt Singh/BRS Real Estate, LLC
 - a. Appeal Number: 2021-0521
 - b. Location: 3585 Bristol Road
 - c. Tax Parcel: 02-019-002
 - d. Request: Variances to construct convenience store, fuel dispenser facility and three (3) bay auto repair
 - e. Attorney: Shawn D. Ward and Associates
 - f. Representative: John A Teets (John Teets Associates)
 - g. Exhibits:
 - i. A1 through A15-List of Applicant Exhibits submitted by Attorney Shawn D. Ward
 1. A1-A10 were previously submitted
 2. A11-A15 submitted on 5/6/21
 - ii. B1-Letter to the applicant
 - iii. B2-Proof of Publication in the Bucks County Courier Times
 - iv. B3-Proof of Posting on applicant property
 - v. B4-Continuation Request
 - vi. B5-Application with Attachments
 - vii. B6-Certificate of Service
 - h. Summary
 - i. Attorney Ward gave a summarization. Variances are aesthetically and functionally for the existing structure. Applicant would like to extend the existing canopy to the new building. This would reduce the rear parking area from ten (10) to eight (8) spaces; including one (1) handicap parking space. Penndot is widening Bristol Road and applicant is proposing setback spaces as far as can be from Bristol Pike. Wants to provide as much parking as possible. Deliveries would be made by box trucks and vans. Fuel trucks will be the only tractor trailers that would be providing deliveries. One entrance is to be

eliminated closest to the intersection. The entrance has been pushed back due to the Penndot work. In lieu of street trees, applicant would prefer low lying green landscaping. NO plan on removing or changing location of fuel dispensers. Impossible to comply with parking buffer. 75 foot front rear buffer yard is also impossible. The sign interferes with Penndot work. Sign will need to be moved. The auto repair shop will use a smaller mounted sign. Joanne Redding mentioned a loading dock. Mr. Teets' response is the lack of necessity due to drivers using hand trucks and being in and out of the facility in approximately 5 minutes or less. Mr. Ward mentioned the applicant would have a loading zone area painted. The actual size of the convenience store is 2,135 square feet. Approximately 1300 square feet of that space will be sales/retail space. The auto bay would be sublated. No body repairs or painting will be done on site. All mechanical repairs will be by appointment only. If a vehicle needs to be stored overnight the vehicle will be stored inside the bay. Parking will be available. Some spots will be designated for the auto bay and others will be designated for the store/gas. Al Champion inquired about a sidewalk. Joanne Redding would also like to see some green space and sidewalks. Applicant stated that if there is a requirement for the sidewalk than the green space goes away. Sidewalk is subject to coding approval and land development. Reduced size loading zone where fuel docks are. Joanne Redding again emphasized the need to see added green space, a loading zone and sidewalks. Applicant and Applicant's representatives requested a continuance to the June, 2021 date.

- i. Motion for Continuance to the June 3, 2021 meeting date
 - i. Motion to Continue
 1. Al Champion
 - ii. Second Motion to Continue
 1. George Seymour
 - iii. Vote for Motion to Continue to the June 3, 2021 meeting date
 1. 4/4 Ayes
5. Continued Hearing for B and A Property Group, LLC
- a. Appeal Number: 2020-4124
 - b. Location: 4220 Bristol Road
 - c. Tax Parcel: 02-017-114-001
 - d. Request: Variance to use property for truck parking
 - e. Attorney: Mike Carr
 - f. Applicant: Rustam Mursalov
 - g. Summary
 - i. Mr. Mursalov on April 23, 2019, spent \$850,000 to acquire the property. Use of surrounding parcels: mechanical shop, construction/lumber shop (CDM), animal hospital, houses, a bridge, and auto parts. Relied on zoning certificate from 2018. No other applications have been submitted since 2018. He applied for U and O after purchasing the property. Proposed use for the property was for office space. He alleges that he was unaware he needed one for outside use.

Fire Department stated to him about the need for a U and O. Currently, the property is being used to dispatch trucks for his trucking company. The trucks only park on the property when not in use. He does not have the mechanic shop yet. He was made aware by the Board that the parking is only certified for mechanic shop parking for trucks awaiting service. Joanne Redding state that applicant is in violation because what applicant wanted and what applicant's certificate is for are not the same. Applicant is not doing what he has certification for. Applicant wrote Heed Auto group when he filled out the information on the paperwork given to him by the Township because that is the name listed in the buyer's information within the file. Applicant also found the address in the file. Quintin has it labeled as a parking area. Applicant understood certification to meet property could operate as a lot with intention of adding a mechanic shop later. Owner of the certificate is not the owner of the property. Witness, Dan Madridale was going to lease the property for truck parking. The original deal fell through because it was considered highway commercial property. Mr. Madridale owned and operated the meat business which was there since 2007. In April, 2020, 4220 Bristol Road LLC was dissolved. The property was listed through a realtor. Mr. Madridale was not familiar with the name because the transactions were handled by his business partner, Mr. Sutton. Mr. Madridale does not remember anything regarding the finalization of the sale. No other witnesses to present on behalf of applicant. No additional evidence to be put forward in the variance case. Township would like to present Mr. Ken Farrell as their witness. Due to time constraints, parties agreed to a continuance until July date to give time for written arguments to be submitted and reviewed. Deadline for memo submission is June 10, 2021.

- h. Motion to Continue with written arguments to July 1, 2021
 - i. Motion to Continue
 - 1. Harry Kramer
 - ii. Second motion to continue
 - 1. George Seymour
 - iii. Vote
 - 1. 4/4 Ayes
- 6. Continued Hearing for Michael and Bernadette Gibbons
 - a. Appeal Number: 2020-4206
 - b. Location: 1117 Beverly Avenue
 - c. Tax Parcel: 02-062-474
 - d. Request: Variance for second floor addition to accessory structure
 - e. Summary
 - i. Request for variance has been withdrawn with prejudice
- 7. Hearing Joseph and Theresa Braam
 - a. Appeal Number: 2021-1532
 - b. Location: 6339 Sterling Avenue
 - c. Tax Parcel: 02-056-086
 - d. Request: Variance for impervious coverage for construction of inground pool

- e. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Applicant
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting on property
- f. Summary
 - i. Applicants stated they are requesting a variance because they are slightly over the footage. They are in a double lot with a special needs son who loves to swim. They feel the inground pool would be beneficial for their son. They need an increase of about four percent (4%). Concrete decking is the only impervious area. No questions from the Board. One individual in audience, Mr. William Ellersham, came forward. Mr. Ellersham resides at 6325 Sterling Avenue and he is present to tell the Board in person that he is in favor of the request.
- g. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second Motion to Close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
- h. Motion to Approve request for variance for impervious coverage for construction of inground pool
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to approve request for variance for impervious coverage for construction of inground pool
 - 1. 4/4 Ayes
- 8. Hearing for John Baker dba Total Zen Spa
 - a. Appeal Number: 2021-1334
 - b. Location: 1101 Bristol Pike, First Floor
 - c. Tax Parcel: 02-029-305
 - d. Request: use variance to permit zen spa massage therapy use in a G-C zoning district
 - e. Attorney: Bart Benoff, Esquire
 - f. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Applicant
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting on property
 - g. Witness/Applicant: John Baker
 - h. Summary:

1. 4/4 Ayes
 - i. Motion to Approve request for variance to locate a pool less than ten (10) feet from property line.
 - i. Motion to Approve
 1. Harry Kramer
 - ii. Second Motion to Approve
 1. Al Champion
 - iii. Vote to approve request for variance to locater pool less than ten (10) feet from property line
 1. 4/4 Ayes
10. Hearing for Wesley Alker
- a. Appeal Number: 2021-1388
 - b. Location: 1248 Bridgewater Road
 - c. Tax Parcel: 02-072020-001
 - d. Request: Variance for rear yard setback to construct a deck.
 - e. Exhibits
 - i. A1-Application
 - ii. A2-Certificates of Service
 - iii. B1-Letter to the Applicant
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting on Property
 - f. Witness
 - i. Wesley J. Alker
 - ii. Gregory D. Alker
 - g. Summary
 - i. Would like to construct a deck in the rear yard. Township said it is too close to the property line. Application states zoning is R1 but Zoning map shows IN. Unsure of actual zoning on this lot. Property is located next to Methodist Church at the end of Portsmouth Court. Non-Conforming lot. Deck size is 12 feet by 35 feet. Appears the fence is right on the property line. Needs a six (6) foot variance. No questions from the Board. No one in the audience for or against the request.
 - h. Motion to Close Testimony
 - i. Motion to Close
 1. Al Champion
 - ii. Second to Motion to Close
 1. George Seymour
 - iii. Vote to Close Testimony
 1. 4/4 Ayes
 - i. Motion to Approve request for rear yard setback to construct a deck
 - i. Motion to Approve
 1. Al Champion
 - ii. Second to Approve
 1. George Seymour

iii. Vote to Approve variance request for rear yard setback to construct a deck

1. 4/4 Ayes

11. Hearing for Carleigh's Castles, LLC

a. Appeal Number: 2021-1344

b. Location: 2827 Wine Avenue

c. Tax Parcel: 02-039-107

d. Request: Variance for minimum lot area and variance for front yard setback to construct dwelling

e. Representative: John Richardson—Dumack Engineer

f. Attorney: Kenneth Federman, Esquire

g. Summary

i. Applicant requesting a continuance to hearing date June 3, 2021

h. Motion to Continue hearing until June 3, 2021

i. Motion to Continue

1. Al Champion

ii. Second to Continue

1. Harry Kramer

iii. Vote to Continue Hearing until June 3, 2021

1. 4/4 Ayes

12. Hearing for Amarok LLC (Cindy Williams and Donald McLellan)

a. Appeal Number: 2021-1521

b. Location: 727 Street Road and 850 Dunksferry Road

c. Tax Parcel: 02-066-010 and 02-066-011

d. Request: Variance for Electric Fence with the height greater than 6.5 feet in r-55 district.

e. Attorney: Eric Goldberg

f. Exhibits

i. A1-Application with attachments

ii. A2-Certificates of Service

iii. A3-Pictures

iv. B1-Letter to the Applicant

v. B2-Proof of Publication in the Bucks County Courier Times

vi. B3-Proof of Posting on Property

g. Summary

i. Property is in close proximity to I95. Property is owned by Ryder Trucks. Ryder Trucks has been experiencing break ins and vandalism. Lighting presently there is not adequate enough to prevent trespassing. Applicant is wishing to install a fence of ten (10) feet or higher to deter people from climbing over. The electric fence is safe to humans and animals. The company has installed many of these fences throughout the United States and a total of 90 in the Commonwealth of Pennsylvania. Witness, Cindy Williams, is a representative from Amarok, LLC. Amarok, LLC is a security system company that has been hired to monitor the property owned by Ryder Trucking remotely. They will be providing 24/7 alarm surveillance. Fence will be behind the vegetation and trees presently on the

property. It will not effect the site triangle because it will be unable to be seen from Street Road. Only able to see the fence once you are in front of it. Ryder trucks in a national company and has employed Amarok, LLC to provide services at their other facilities. The fence gives off pulsed electricity equivalent to a 12 volt battery (less than static electricity). Cannot climb the fence. The electric fence will be placed one (1) foot behind the fence that is already present. The present fence is the normal six (6) foot chain-linked fence. Zoning for property is residential; however, the use is commercial. The industry standard for tor these types of fences is ten (10) feet. Unsure of existing fence height. Requesting the variance fence to be two (2) feet higher than the present fence. Questions and Comments were taken by the board and from the audience. James Baronosky of 3158 Clyde Avenue, stated the fence is a six (6) foot high stockade fence and there is no fence at Dunksferry Road. Ken Farrell stated that according to the plan there is a six (6) foot high fence. It was stated that if no chain link fence is there then one needs to be installed priortated that if no chain link fence is there then one needs to be installed prior to the electric fence. The electric fence must be installed behind a non-electric fence of five and half (5.5) feet or more. No further questions or comments from the Board. James Baronosky came forward against the request. He states there is no barrier issue there. He requested seeing the police reports about the alleged break in. Helen Shelly, 3128 Clyde Avenue, was next to come forward. Ms. Shelly submitted pictures to the Board showing what is present on Ryder's Property from her house to Mr. Baronosky. Pictures show a stockade fence in disrepair approximately six (6) feet high. Concerns she has is taking away the easement. Ken Farrell stated they are unable to do that. She stated another business near her residence had an electric fence. Tree limb fell and caused a fire. Fire caused a power surge. Power surge caused her to replace five (5) different appliances. Trucks on the property have been sitting there for years. Next to come forward, Jerome Hapice. He states no one manages the grounds. He is always pruning the landscaping. He is afraid of hitting the electric fence. Joanne Redding stated she and the Board would need proof of the foundation. Tom Panzer, Esq. stated that he cannot recommend to the Board an approval without a solid foundation. The property owner needs to be present and show the foundation. Applicant willing to continue until July meeting.

- h. Motion to Continue hearing to July 1, 2021
 - i. Motion to Continue
 - 1. Al Champion
 - ii. Second motion to Continue
 - 1. Harry Kramer
 - iii. Vote to Continue Hearing to July 1, 2021
 - 1. 4/4 Ayes

13. Hearing for Bensalem II, LLC

- a. Appeal Number: 2021-1481
- b. Location: 1336 Bristol Pike

- c. Tax Parcel: 02-030-009
 - d. Request: Variance for wall sign to exceed 50 square feet
 - e. Attorney: Greg I. Adelman, Esquire
 - f. Exhibits
 - i. A1- Application
 - ii. A2-Certificates of Service
 - iii. B1-Letter to Applicant
 - iv. B2-Proof of Publication in the Bucks County Courier Times
 - v. B3-Proof of Posting on Property
 - g. Summary
 - i. Property (Good Will) located in the Home Depot Center near one of the dialysis stores and Crunch Fitness. Seeking a variance for 148.56 square foot sign. Originally submitted request for 168 square foot sign. Feels the sign conforms to Crunch Fitness. The sign can only be seen from the parking lot, not the street. Eric Kelly, owner of the shopping center, states the property was formally Baby's R Us. Applicant will stipulate that the sign will not exceed the size of the Crunch Fitness sign. No questions from the Board. No one in the audience for or against the request.
 - h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Harry Kramer
 - ii. Second motion to Close
 - 1. Al Champion
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
 - i. Motion to Approve variance for wall sign to exceed 50 square feet with stipulation to not exceed size of Crunch Fitness sign.
 - i. Motion to Approve
 - 1. Harry Kramer
 - ii. Second Motion to Approve
 - 1. Al Champion
 - iii. Vote to Approve variance for wall sign to exceed 50 square feet with stipulation to not exceed size of Crunch Fitness sign
 - 1. 4/4 Ayes
14. Hearing for Bensalem III Industries, LLC c/o Paul Lang, Esquire
- a. Appeal Number: 2021-1353
 - b. Location: 2500 State Road and 625 Imperial Drive
 - c. Tax Parcel: 02-065-020 and 02-061-292
 - d. Request: variances for parking, stormwater, buffer, yards
 - e. Attorney: Andrew R. Stoll, Esquire
 - f. Exhibits:
 - i. A1-A13—Pre-marked exhibits by applicant (application and certificates of service are included in packet)
 - ii. B1-Letter to the Applicant

- iii. B2-Proof of Publication in Bucks County Courier Times
- iv. B3-Proof Posting on Property
- v. B4-Application with attachments
- g. Summary
 - i. Overall record. State Road property is long and narrow. Imperial Court is to the rear and is a small property. One of the business on the property is called the Broken Goblet which is mostly being patronized in the evening. Above the Broken Goblet are offices that are occupied during the day. These businesses can share the parking area. Seeking to reduce the impervious cover for stormwater improvements. Witness, Eric Clase, professional engineer, stated Township was concerned over the flooding issue in the area. Applicant wishes to install landscaping in the front and as stated prior, reduce the impervious. Unfortunately, unable to decrease the impervious to under 55%. Township wishes to see less impervious area without adding any additional parking. Variances requested will not affect the use of the other properties or the character of the neighborhood. The twenty (20) foot buffer is difficult to get any trees in the area. No expanding/additions to the physical buildings. Only reinvented the interior of the building. Owners are playing "catch-up." Mr. Stoll nor Mr. Clase were involved in the beginning of the development of the properties. No other testimony. Ken Farrell inquired about the letter from Russ addressing ten (10) items that they applicant needs to be in compliance with. It was stated that five (5) items were completed and are in compliance with township standards. The other five (5) items are the variances seeing sought during the hearing. Tom Panzer designated that the Application with attachments as exhibit B4. Ken Farrell stated that the Township is not in opposition. The Township wants to make sure everything is in order. No other questions from the Board. No one in the audience for or against the request.
- h. Motion to Close Testimony
 - i. Motion to Close
 - 1. Al Champion
 - ii. Second motion to close
 - 1. George Seymour
 - iii. Vote to Close Testimony
 - 1. 4/4 Ayes
- i. Motion to Approve request for variances for parking, stormwater, buffer and buffer yards
 - i. Motion to Approve
 - 1. Al Champion
 - ii. Second motion to Approve
 - 1. George Seymour
 - iii. Vote to approve request for variance for parking, stormwater, buffer and buffer yards
 - 1. 4/4 Ayes

15. Correspondence

- a. None
- 16. Adjournment
 - a. Motion to Adjourn
 - i. Harry Kramer
 - b. Second Motion to Adjourn
 - i. Al Champion
 - c. Vote to Adjourn
 - i. 4/4 Ayes